

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

FLORIDA RIGHTS RESTORATION
COALITION, *et al.*,

Plaintiffs,

v.

RONALD DESANTIS, *et al.*,

Defendants.

Case No. 1:23-cv-22688-
CMA

JOINT RULE 26(f) SCHEDULING REPORT

Plaintiffs Florida Rights Restoration Coalition, Rhoshanda Jones, Angel Sanchez, Autumn Waite, and Brandon Walthour, met with representatives of Defendants including: Defendant Supervisors of Elections¹, Defendant Clerks of Court and Comptrollers², and Defendants Ronald DeSantis, in his official capacity as the Governor of Florida; Cord Byrd, in his official capacity as the Florida Secretary of State; Ricky D. Dixon, in his official capacity as Secretary of the Florida Department of Corrections; Melinda N. Coonrod, in her official capacity as Commissioner of the Florida Commission on Offender Review; Richard D. Davison,

¹ The Defendant Supervisors of Elections are those defendants listed in Exhibit A of the Amended Complaint [Dkt. No. 9-1].

² The Defendant Clerks of Court are those defendants listed in Exhibit B of the Amended Complaint [Dkt. No. 9-2], except for The Clerk of Court and Comptroller of Brevard, Charlotte, Collier, Gilchrist, Leon, Madison, and Orange County because, to date those parties have not informed us who their counsel is.

in his official capacity as Commissioner of the Florida Commission on Offender Review; David A. Wyant, in his official capacity as Commissioner of the Florida Commission on Offender Review; and Mark Glass, in his official capacity as the Commissioner of the Florida Department of Law Enforcement (collectively with Plaintiffs, the “Parties”), submit the following Joint Scheduling Report pursuant to Southern District of Florida Local Rule 16.1(b)(2) and Federal Rule of Civil Procedure 26(f)(3). In accordance with Local Rule 16.1(b)(1), the Parties conferred by Zoom on September 5, 8, and 11, 2023. The Parties agree that pursuant to Local Rule 16.1(a) this case should be assigned to the **Standard Track**, and report as follows:

I. Conference Report – Information Required by Local Rule 16.1(b)(A)-(L)

(A) Likelihood of Settlement

The Parties are unable to determine at this stage the likelihood of settlement.

(B) Likelihood of Additional Parties

The Parties do not intend to add additional parties to this Action at this time.

(C) Proposed Limits on the time (i) to join other parties and to amend the pleadings, (ii) to file and hear motions, and (iii) to complete discovery

The Parties do not propose any limits on the time to file and hear motions beyond those included in the Federal Rules of Civil Procedure and Local Rules of the Southern District of Florida.

(D) Proposals for the Formulation and Simplification of Issues

The Parties agree to work together to simplify the issues and eliminate claims or defenses that, through discovery, appear to be without evidentiary basis. The Parties recognize the Court entered the Order requiring Defendants to submit a single, combined response or separate answers by October 30, 2023. Defendants may be approaching the Court for a small number of similarly situated groups of Defendants to file separately if they deem it necessary.

(E) The Necessity or Desirability of Amendments to the Pleadings

The Parties do not anticipate amendments to the pleadings, other than in response to Court rulings or the substitution of named Defendant with a successor in office.

(F) Possibility of Obtaining Admissions of Fact, Stipulations and Advance Rulings on Evidence

The Parties will, through appropriate stipulations of facts, witnesses, and authenticity, avoid unnecessary disputes and use of cumulative evidence. The Parties will work cooperatively to narrow and identify any areas of dispute on evidentiary matters anticipated at trial and to present such disputes, to the extent possible, in pretrial motions *in limine*.

(G) Avoidance of Unnecessary Proof and Cumulative Evidence

The Parties will work together in good faith and cooperate to avoid unnecessary proof and cumulative evidence. The Parties will further work together in good faith to identify and narrow any evidentiary disputes anticipated at trial and to present such disputes, to the extent possible, in pretrial motions *in limine*.

(H) Advisability of Referring Matters to Magistrate Judge

The Parties do not consent to the use of the Magistrate Judge for any purpose.

(I) Preliminary Estimate of Time Required for Trial

The Parties estimate that trial in this matter will require 8 trial days.

(J) Final Pretrial Conference

The Parties believe that a pretrial conference one to two weeks before trial would be helpful to narrow the issues for trial.

(K) Any discovery issues

i. **Disclosure, discovery, or preservation of ESI:** The Parties will preserve all relevant discoverable information in their respective possession, custody, or control until the conclusion of this case or otherwise ordered by this Court. Discovery is in its infancy, and the Parties are currently investigating the extent of ESI relevant to any Party's claims or defenses. The Parties will cooperate to agree upon the form(s) and extent of ESI production.

ii. **Claims of privilege or of protection as trial-preparation materials:** The Parties agree to prepare a joint proposed protective order that addresses claims of privilege or of protection as trial preparation materials.

iii. **Agreements on the use of the ESI checklist:** The Parties have

agreed to use the ESI checklist available on the Court's website.

(L) Any Other Information that Might Be Helpful to the Court in Setting the Case Status or Pretrial Conference

The Parties agree to work together on managing e-discovery and intend to submit for the Court's consideration, a proposed Stipulated Protective Order, which the Parties hope will facilitate the exchange of confidential information in discovery. The Parties will submit an agreed motion requesting entry of such an order, but to the extent the Parties do not agree on particular issues or provisions in the protective order, they will note their disagreements and proposed alternatives.

II. Joint Proposed Scheduling Order – Additional Information Required by Local Rule 16(b)(3)

(A) Assignment of the Case to a Particular Track: The Parties agree that this case merits a standard case management track, as defined by Local Rule 16.1(a)(2)(B).

(B) Detailed Discovery Schedule: The Parties propose two separate timelines for the completion of Discovery. The timelines are:

<i>Event</i>	<i>Plaintiffs' Proposed Deadline</i>	<i>Defendants' Proposed Deadline</i>
Rule 26(a)(1) Initial Disclosures	14 days after issuance of the Court's Scheduling Order	14 days after issuance of the Court's Scheduling Order

Deadline to join additional parties or amend pleadings	21 days after decision on any Rule 12 motions	21 days after decision on any Rule 12 motions
Rule 26(a)(2) Expert Disclosures		
Plaintiffs' expert witness summaries or reports	February 23, 2024	March 8, 2024
Defendants' expert witness summaries or report and rebuttal reports	March 8, 2024	May 7, 2024
Plaintiffs' rebuttal expert reports	March 18, 2024	June 6, 2024
Deadline to complete discovery (including expert discovery)	March 25, 2024	June 20, 2024
Deadline for the filing of motions for summary judgment	April 5, 2024	July 19, 2024
Deadline for the filing of pretrial motions (including motions <i>in limine</i> and <i>Daubert</i> motions)	April 19, 2024	August 5, 2024
Rule 26(a)(3)(A)(i) & (iii) Disclosures (witness and exhibit lists)	April 26, 2024	August 26, 2024
Rule 26(a)(3)(A)(ii) Disclosures (designations):	May 1, 2024	August 26, 2024
Pretrial stipulations to be filed by	May 1, 2024	August 26, 2024
Trial Briefs	May 3, 2024	August 30, 2024
Final Pretrial Conference	May 10, 2024	September 2, 2024
Trial commencing	May 13, 2024	September 9, 2024
Post-trial findings of fact and conclusions of law	Two weeks from last trial day	Two weeks from last trial day

(C) **Any Agreements or Issues Regarding Discovery:** There are currently no agreements or issues to be decided by the Court. The Parties will cooperate in

good faith to develop protocols to facilitate electronic discovery and govern privilege issues without involvement of the Court. The Parties anticipate that a protective order addressing the disclosure of confidential documents will be necessary.

III. Federal Rule of Civil Procedure 26(f)(3) Discovery Plan

(A) What changes should be made in timing, form, or requirement for disclosures under Rule 26(a), including a statement of when initial disclosures were made or will be made. Parties will serve their Initial Disclosure within 14 days after this Court issues its Scheduling Order. The Parties agree that no other changes should be made in the timing, form, or requirements for disclosures under Rule 26(a).

(B) The subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues. The Parties believe that discovery will be needed on all issues raised by the pleadings, and that all discovery will be completed by any deadline set by the Court.

(C) Any issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced. The Parties will work in good faith to resolve issues concerning discovery and the production of electronically stored information. The

Parties will use their best efforts to resolve discovery disputes without the need for unnecessary motion practice before the Court, but respectfully reserve their rights to seek assistance from the Court if needed.

(D) Any issues about claims of privilege or of protection as trial-preparation materials, including – if the Parties agree on a procedure to assert these claims after production – whether to ask the Court to include their agreement in an order under Federal Rule of Evidence 502. The Parties agree to use the procedures set forth in Federal Rule of Civil Procedure 26(b)(5) regarding any claims of privilege or protection for materials asserted as prepared in anticipation of litigation or trial. The Parties will cooperate in good faith to develop a protocol governing any additional privilege issues. The Parties will work together to prepare proposed stipulated confidentiality orders as appropriate.

(E) What changes should be made in the limitations on discovery imposed under these rules or by local rules, and what other limitations should be imposed. In light of the nature of the claims asserted, the Plaintiffs anticipate that they may need to take as many as 25 depositions, however, at this time the Parties cannot agree on the appropriate number of depositions and Plaintiffs therefore agree to 10 depositions for purposes of this scheduling request, without prejudice to the Plaintiffs' ability to seek leave from the Court under FRCP 30 to conduct additional depositions. The Defendants propose a 10-deposition limit.

(F) Any other orders that the Court should issue under Rule 26(c) or under Rule 16(b) and (c). The Parties intend to submit for the Court's consideration a proposed Stipulated Protective Order, which the Parties hope will facilitate the exchange of confidential information in discovery.

Dated: September 13, 2023

Respectfully submitted,

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